

799, 803, 803R, 807, 809 Broadview Avenue, and 21R Pretoria Avenue – Rezoning Application – Final Report

Date:	January 25, 2008
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 29 – Toronto-Danforth
Reference Number:	07-198972 STE 29 OZ

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

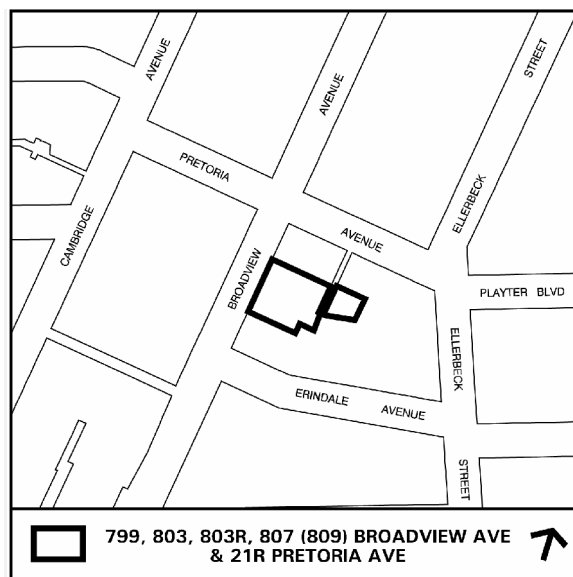
This application proposes to construct a five storey medical office building with retail at grade and 1 level of underground parking at of proposal at 799, 803, 803R, 807, 809 Broadview Avenue, as well as provide five outdoor surface parking spaces to the rear at 21R Pretoria Avenue.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning By-law for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning



By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On April 21, 2006, the Ontario Municipal Board issued a decision to permit a mixed use development containing five live/work units and ten residential units with underground parking accessible from a rear public lane for this site. The Site Plan Agreement also before the OMB has now been finalized, however, the Board has indicated that the Order will be withheld until the City of Toronto advises the Ontario Municipal Board in writing that all of the conditions of site plan approval have been satisfied.

A new applicant has now submitted a new application for this site to construct the proposed 5 storey medical building. This is a completely different proposal from what is currently before the OMB. The applicant has indicated that subject to final approval of this site specific zoning, the site plan application currently before the OMB will be withdrawn.

ISSUE BACKGROUND

Proposal

The current proposal is to construct a five storey medical building with retail at grade and 30 parking spaces below grade of which 9 spaces are parking stackers. In addition, five outdoor parking spaces are proposed to be provided at 21R Pretoria Avenue, just to the rear with access off an adjacent public lane. A concurrent Site Plan application has been submitted with the application. The project information is attached on the Application Data Sheets (See Attachment 1).

Site and Surrounding Area

The site is located on the east side of Broadview Avenue, one block north of the Danforth Avenue. There are two individual properties included in the subject application. The properties are separated by a public lane. The property with frontage on Broadview Avenue is vacant, relatively flat and approximately 1,244 m² in area. The rear parcel fronts on the public lane and is also relatively flat. It has been used for open parking spaces for quite some time and is approximately 288 m² in area.

The surrounding uses are as follows:

North: a variety of mixed use buildings fronting on Broadview Avenue

South: the TTC Broadview Subway station

East: a typical low density residential neighbourhood

West: low rise residential apartment buildings

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement 2005 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for

regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe Area including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe and find it consistent with and conforming to the above policies.

Official Plan

Broadview Avenue is shown on Map 2, Urban Structure as an "Avenue" from Danforth Avenue to north of Mortimer Avenue, which includes the vicinity of the subject site. Avenues are important corridors along major streets where reurbanization is encouraged to create new housing and job opportunities while improving the pedestrian environment, shopping opportunities and transit service for community residents. A framework for change will be tailored to the situation of each "Avenue" through a local Avenue Study conducted by the City. An Avenue Study has not yet been conducted for Broadview Avenue.

The site is designated as Mixed Use Areas on the portion of the site that fronts Broadview Avenue and Neighbourhoods for the portion of the site east of the public lane (21R Pretoria). Development in Mixed Use Areas on Avenues, prior to an Avenue Study, has the potential to set a precedent for the form and scale of reurbanization along the Avenues. In addition to the policies of the Plan for Mixed Use Areas, proponents of such proposals are required to address the larger context and examine the implications for the segment of the Avenue in which the proposal is located. Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

Development in Mixed Use Areas on Avenues that precedes the completion of an Avenue Study will:

- support and promote the use of transit;
- contribute to the creation of a range of housing options in the community;
- contribute to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retailing;
- provide universal physical access to all publicly accessible spaces and buildings;
- conserve heritage properties;
- be served by adequate parks, community services, water and sewers, and transportation facilities; and
- be encouraged to incorporate environmentally sustainable building design and construction practices.

Zoning

The portion of the property fronting on Broadway Avenue is zoned MCR T2.5 C0.5 R2.5 which permits a variety of commercial uses up to a density of 0.5 times the area of the lot and residential or mixed use buildings up to 2.5 times the area of the lot. The height limit is 14 metres. A Site Specific Zoning By-law approved by the OMB on April 21, 2006 permits a mixed use development at 799, 803, 803R, 807 and 809 Broadview Avenue and 21R Pretoria that is no longer proposed for the site.

The zoning on the rear portion of the property fronting on the public lane is zoned R2 Z0.6 which permits residential uses up to a density of 0.6 times the area of the lot with a height limit of 10 metres. It is proposed to continue to be used for commercial parking.

Site Plan Control

An application has been filed for Site Plan Approval. It will be completed prior to the enactment of Bills.

Reasons for Application

The applicant proposes to build a five storey medical office building with retail at grade. The zoning by-law permits commercial uses up to 0.5 times the area of the lot or 621.75 m², or a mixed use building up to 2.5 times the area of the lot. In view of the fact that the entire building is for commercial purposes a zoning by-law amendment is required for this use at this location. The applicant proposes a building with 4,418.83 m² of commercial space or 3.55 times the area.

The proposed height for the project is 21.5 m. The height permitted in this area is 14 metres.

Community Consultation

A community consultation was held at the Estonian House on June 28, 2007, with approximately 80 people in attendance. Issues that arose at the meeting included, traffic on Pretoria Avenue, access and egress for parking and loading, and urban design. Given concerns for environmental sustainability, residents expressed their views that this project should do more in terms of being an environmentally friendly building.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed development is consistent with the Official Plan designation; Mixed Use Area. The current Zoning By-law designation of MCR, Mixed Commercial Residential permits

residential and commercial uses with a height and density limit provisions. The site is suitably located for consideration for reurbanization, due to its location on an *Avenue* as shown on Urban Structures Map 2, and its close proximity to the subway. Retail space at the ground level along the Broadview Avenue frontage is acceptable, will support the medical uses, and will enliven the street frontage. As discussed below, the proposal results in an acceptable built-form.

Avenues: Re-urbanizing Arterial Corridors - Section 2.2.3

The site is located on a section of Broadview Avenue that is identified as an ‘Avenue’ on Map 2 of the Official Plan. Avenues are corridors along major streets generally where reurbanization is anticipated. Avenue Studies are intended to precede major development occurring in these designated Avenue corridors.

Section 2.2.3.3(a) of the Official Plan allows that some development may be permitted on an Avenue prior to an Avenue Study subject to a review of the implications of the proposed development on the segment of the Avenue in which it is located and on the greater Neighbourhood. Section 2.2.3.3(b) of the Plan sets out the general parameters of the Segment Review for determining whether (or not) a development proposal will have adverse impacts on the specific Avenue Segment and the greater neighbourhood area in which it is located.

Parameters include:

- a. an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances (the potential of the proposal to be a catalyst for changing the established development context on the Avenue);
- b. consideration of whether incremental development of the entire Avenue segment would adversely impact any adjacent Neighbourhoods or Apartment Neighbourhoods (impact on abutting residential land use designations);
- c. consideration of whether the proposed development is supportable by available infrastructure; and
- d. the requirement that the segment study will be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the Segment Review demonstrates to Council’s satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

The goal of the Segment Review is to ensure that the proposed development will establish a positive precedent on the future reurbanization of the *Avenue*, with particular regard to building form, massing and intensity. Generally speaking the review will:

1. identify the segment to be studied;

2. identify sites that could potentially experience redevelopment to more intense, urban, and transit-oriented land uses in the future (“soft sites”) within the segment;
3. using the proposed development as a model in terms of use and built form, assess the effect of the redevelopment of the identified “soft sites” on the Avenue and highlight any adverse effects on the design, built form, infrastructure and any other relevant aspect associated with the area and;
4. identify any potential impacts that may occur on adjoining *Neighbourhoods* and *Apartment Neighbourhoods*.

The applicant has provided an Avenue Segment Review as part of their application. The segment extends from the intersection of Broadview and Danforth Avenues to just north of Bater Avenue and includes the frontage properties on both the east and west side of Broadview Avenue within the MCR zoning designation. Within this segment, the applicant has identified 7 single lot “soft sites”, which could redevelop to support a building similar to the proposed development. A number of other sites requiring assembly have also been identified, however the future redevelopment of these sites would be much more difficult as significant lot consolidation would be required.

Using the proposed development as a model, the applicant has noted that for those sites adjacent to *Neighbourhoods* on both the east and west of Broadview Avenue future applicants will have to incorporate setbacks into the design of any potential future building to address shadow and privacy issues. For the two larger sites to north of the segment on the east side of Broadview Avenue additional transition measures such as the use of lower scale housing (i.e. townhouses) should also be considered.

With respect to infrastructure, the applicant concludes that the proposed development can be supported by the area’s available infrastructure as required in policy 2.2.3.3b)iii). The applicant is not proposing to incorporate visitor parking into the new building and will rely on the close proximity of the Broadview subway station and the existing Toronto Parking Authority parking lot on Erindale Avenue, therefore no significant increase in auto traffic is anticipated. With respect to community services, the subject site will serve as the new location for an existing medical clinic currently serving the local area located on Danforth Avenue. As the proposed development does not have a residential component, it does not serve as an appropriate model on which to base a Community Services and facilities impact assessment for the Avenue segment.

Based on the above it can be concluded that the proposed application and the submitted Avenue Segment Review meets the conditions described in policy 2.2.3.3 as they relate to a commercial development at this location.

Density, Height, Massing

The applicant is proposing a density of 3.55 times the area of the lot to be used exclusively for office and commercial purposes, while the By-law permits a total maximum density of 2.5 times the area of the lot, and a maximum non-residential density of 0.5 times the area of the lot.

The proposal is appropriately scaled and designed to fit on this site. The density of the proposal is supportable given that:

- the site is located on an arterial roadway and is well serviced by transit approximately 50 metres from the subway; and
- the proposal involves a modest increase in the permitted height.

The maximum height for the site is 14.0 metres, whereas the applicant is proposing 21.5 metres. The increase in height is supportable given that the heights of existing buildings in the immediate vicinity range from 2 to 5 storeys.

The proposed fifth storey will be setback from the Broadview Avenue frontage by approximately 4.5 metres. The proposed fifth storey will be set back by approximately 3.5 metres from the residential neighbourhood, and has the additional separation by the existing surface parking lot located to the east of the building. In addition, a 1.4 metre setback is proposed on the side (north) yard, above the fourth storey. Together, these setbacks and the location of the parking lot will help reduce the impacts on the neighbouring properties related to height and massing of the proposed building.

Traffic Impact, Access, Parking

Access to parking, garbage and loading from small delivery vehicles will be from a 3 metre wide public lane running north-south from Pretoria Avenue. Recognizing this as an existing condition, Technical Services staff will accept the substandard driveway width in place of the required 5.5 metres.

A Loading Operations Review Addendum, dated January 4, 2008, was prepared by LEA Consulting Limited in support of the proposed development. The report indicates, among other matters, that large truck deliveries occur infrequently (once to twice per month), based on the loading survey of the existing Albany Medical Clinic. As a result, the report recommends a loading/pick-up/drop-off zone adjacent to the main entrance along the Broadview Avenue frontage of the site for large trucks only.

Recognizing the narrow width of the public lane, the need to maintain the on-street parking supply and the low number of large truck deliveries, staff can accept a loading zone adjacent to the main entrance along Broadview Avenue. This will minimize potential operational impacts within the area. However, all other small truck deliveries must be accommodated at the rear of the site, including refuse/recycling collection.

The Zoning By-law requires that the applicant provide 38 parking spaces, whereas the applicant will be providing 35 parking spaces. The shortfall of 3 parking spaces is justified given that the area is well serviced by public transit, and the close proximity of commercial parking.

All solid waste generated on site will be stored within the new development, and brought out to a fully screened garbage and loading area. Collection of garbage will be performed by a private waste disposal company.

Streetscape

The applicant has agreed to provide within the development benches and planter elements included into the design of the building on private property.

Toronto Green Development Standard

The application included a completed Green Development Standards checklist which indicates that the project meets 39 items on the checklist.

Development Charges

Development charges apply only to the retail component of this proposal. It is estimated that the Development Charges for this project will be \$61,790. This is an estimate. The actual charge is assessed and collected upon issuance of the Building Permit.

CONTACT

Mike Mestyan, Senior Planner - East Section

Tel. No. (416) 397-4487

Fax No. (416) 392-1330

E-mail: mmestyan@toronto.ca

SIGNATURE

Gary Wright, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Elevations

Attachment 4: Elevations

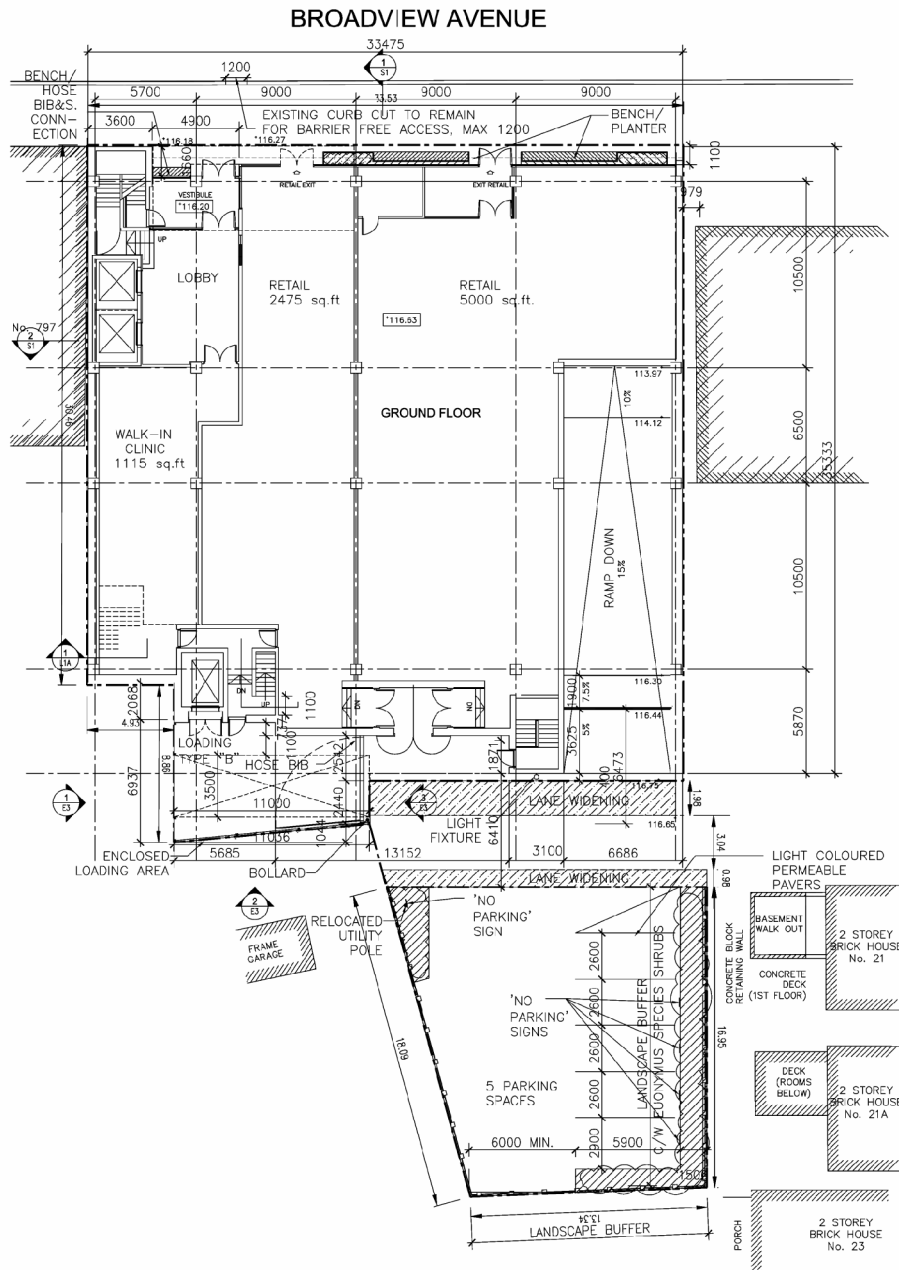
Attachment 5: Elevations

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Ground Floor Plan

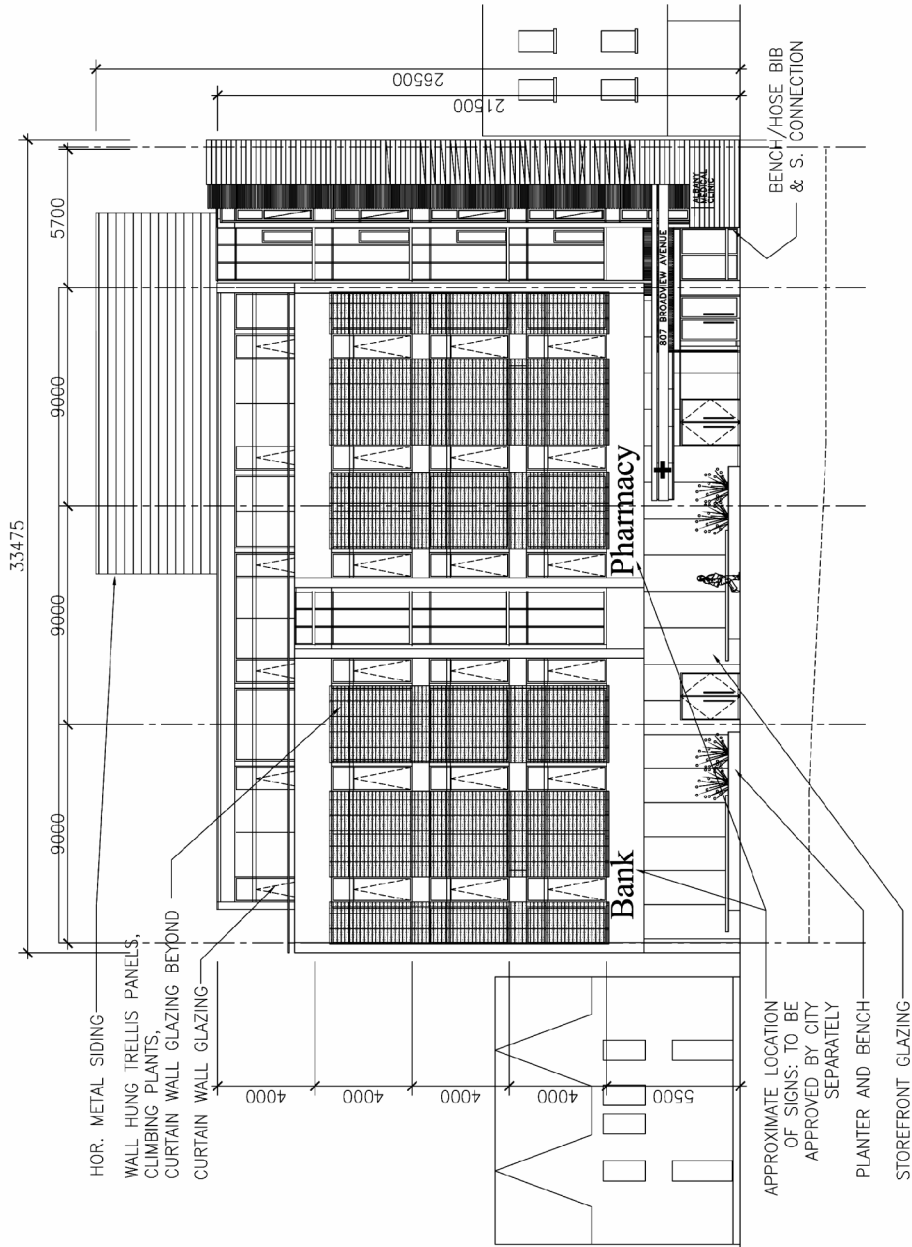
Applicant's Submitted Drawing

Not to Scale →

799, 803, 803R, 807 (809) Broadview Avenue
& 21R Pretoria Avenue

File # 07_198972

Attachment 2: Elevations



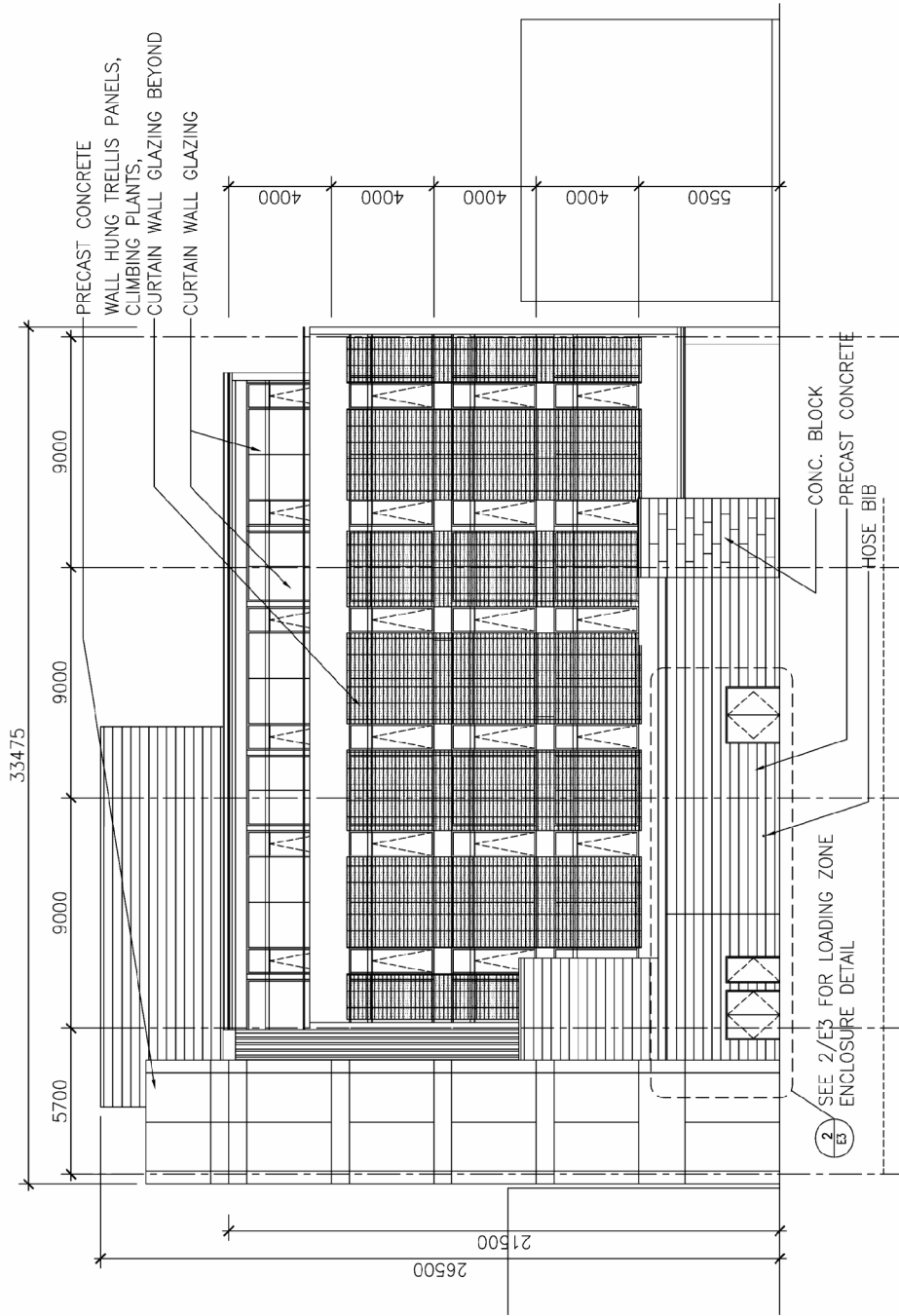
West Elevation
 Applicant's Submitted Drawing

**799, 803, 803R, 807 (809) Broadview Avenue
 & 21R Pretoria Avenue**

Not to Scale
 12/10/07

File # 07_198972

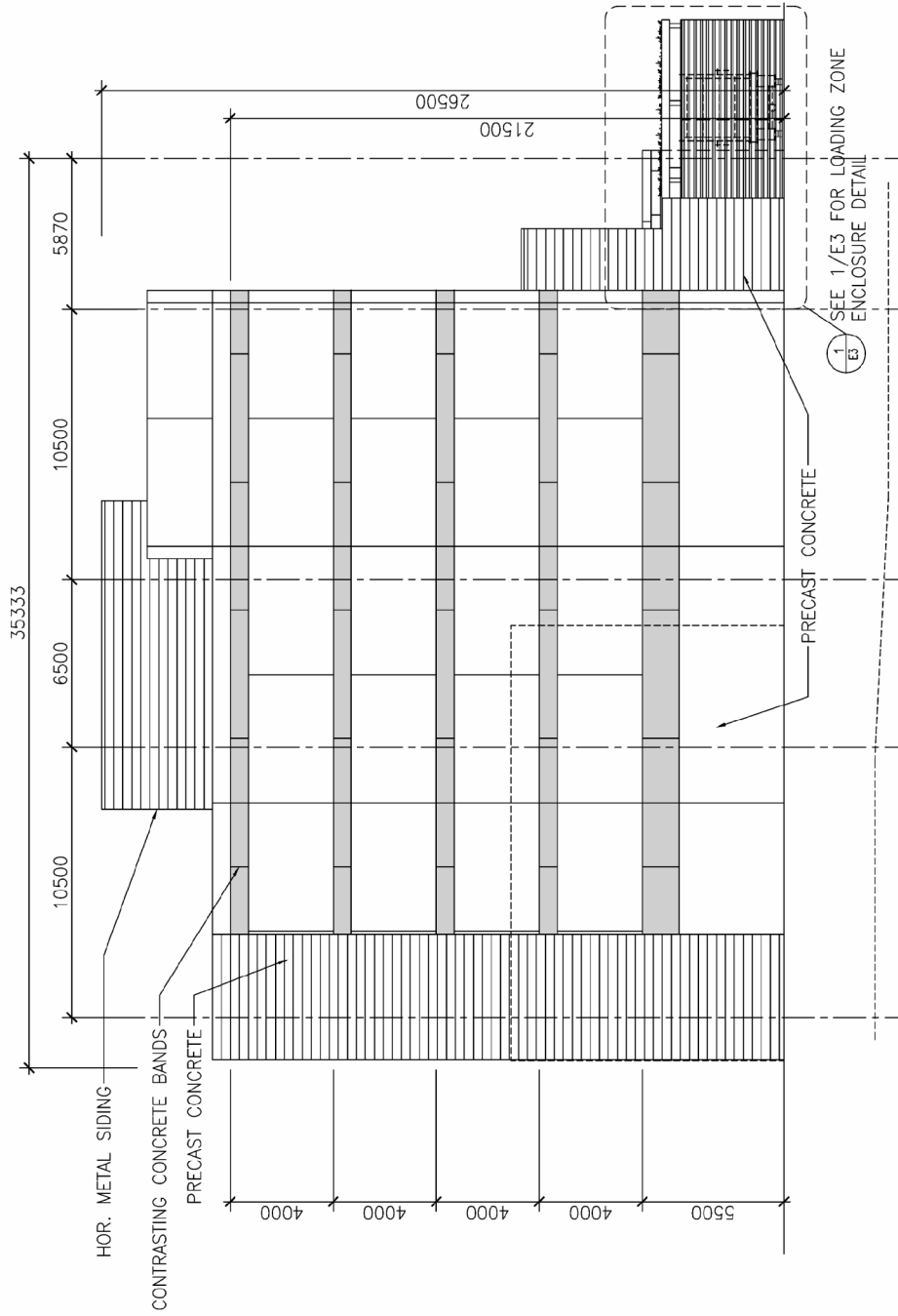
Attachment 3: Elevations



East Elevation
 Applicant's Submitted Drawing
 Not to Scale
 12/10/07

**799, 803, 803R, 807 (809) Broadview Avenue
 & 21R Pretoria Avenue**
 File # 07_198972

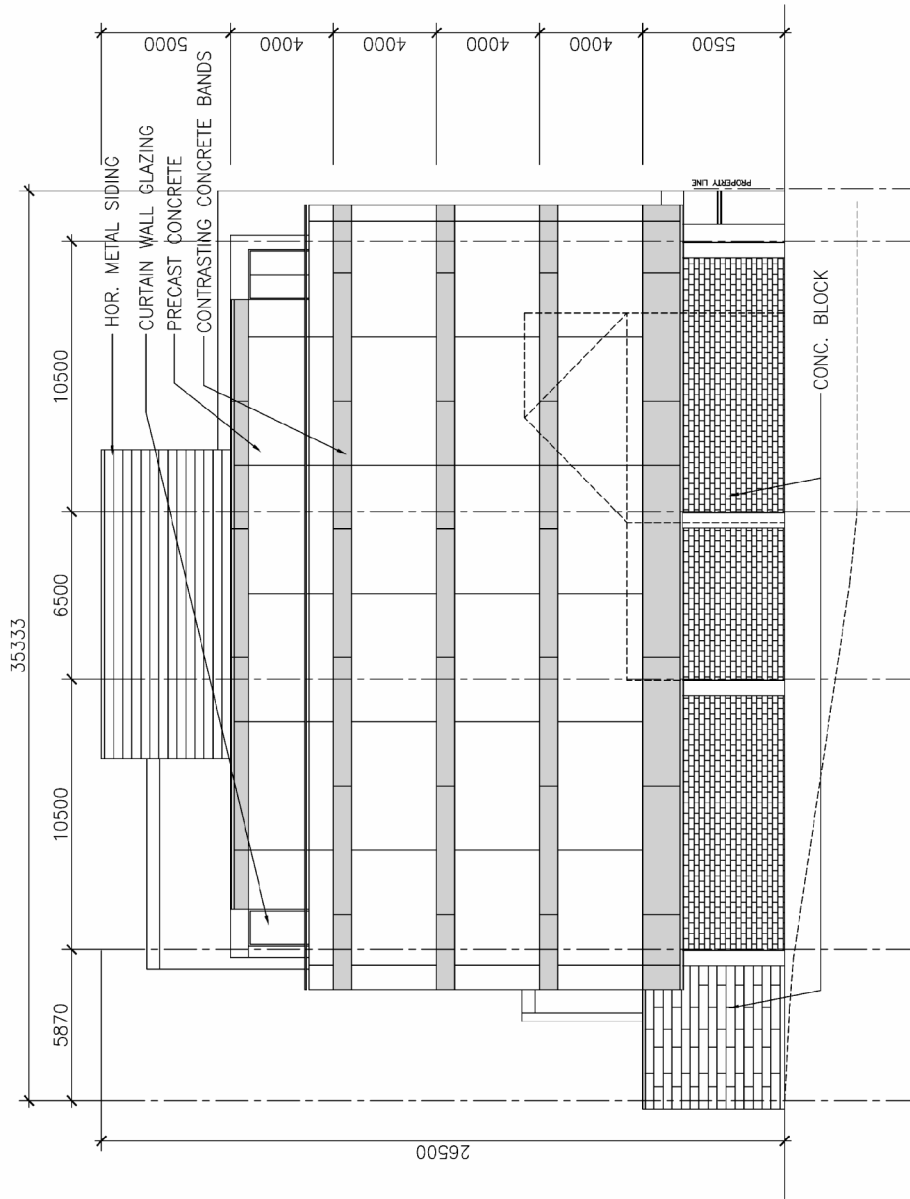
Attachment 4: Elevations



South Elevation
 Applicant's Submitted Drawing
 Not to Scale
 12/10/07

**799, 803, 803R, 807 (809) Broadview Avenue
 & 21R Pretoria Avenue**
 File # 07_198972

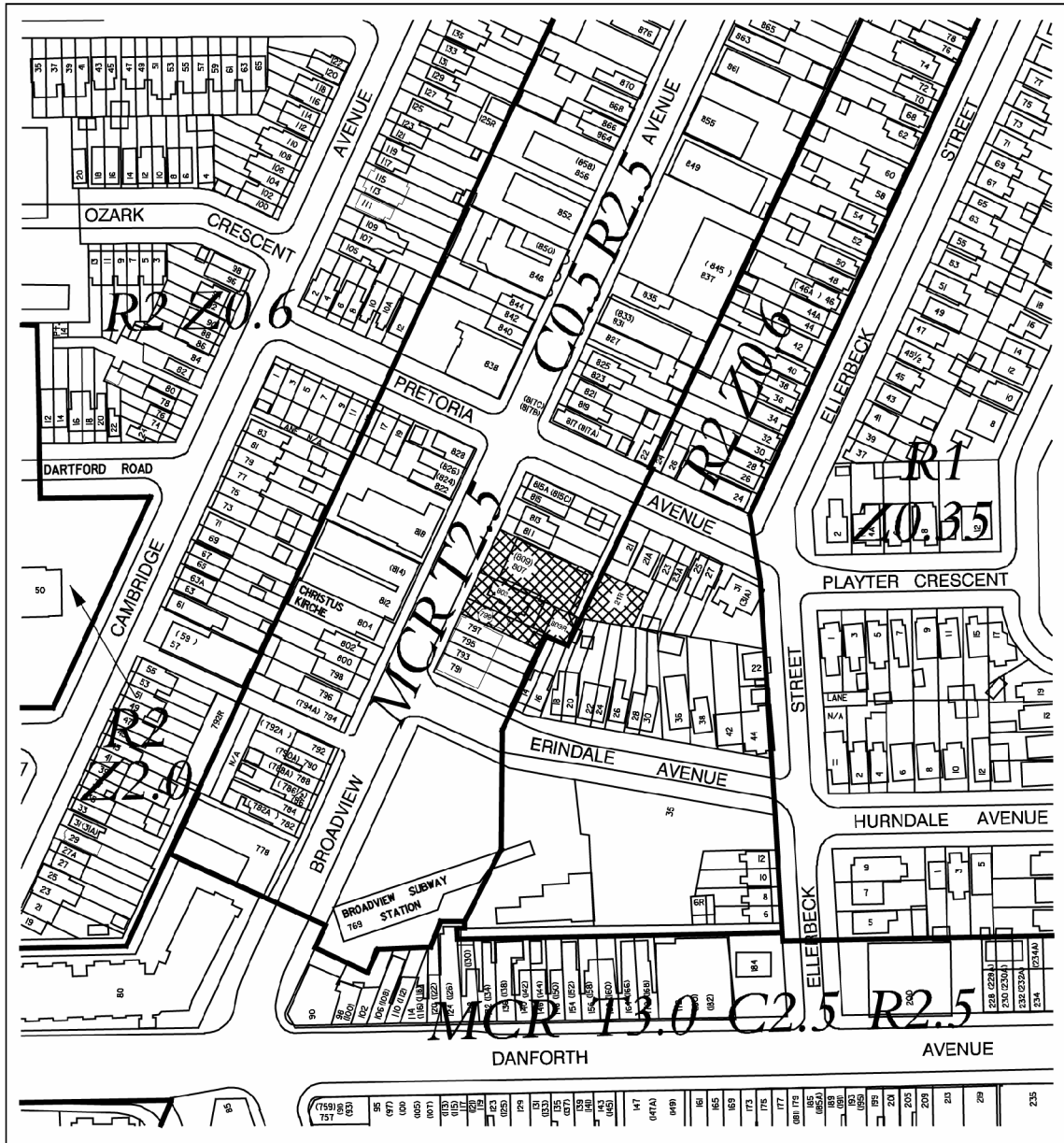
Attachment 5: Elevations



North Elevation
 Applicant's Submitted Drawing
 Not to Scale
 12/10/07

**799, 803, 803R, 807 (809) Broadview Avenue
 & 21R Pretoria Avenue**
 File # 07_198972

Attachment 6: Zoning



TORONTO City Planning
Zoning

799, 803, 803R, 807 (809) Broadview Ave
& 21R Pretoria Ave
File # 07_198972

- R1 Residential District
- R2 Residential District
- MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/23/07 - DR

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	07 198972 STE 29 OZ
Details	Rezoning, Standard	Application Date:	May 8, 2007

Municipal Address: 799, 803, 803R, 807, 809 Broadview Avenue & 21R Pretoria Avenue
 Location Description: PL 941 LT1 & PT LT4 **GRID S2905
 Project Description: Proposed five-storey mixed-use commercial building with retail at grade and medical offices on levels two to five, 30 below grade parking spaces and five at-grade parking spaces on lot at rear of lane

Applicant:	Agent:	Architect:	Owner:
Sweeny Sterling Finlayson & Co Architects Inc			Broadview Court Inc

PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision:
Zoning: MCR T2.5 C0.5 R2.5, R2 Z0.6	Historical Status:
Height Limit (m): 14, 10	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1243.53	Height:	Storeys:	5	
Frontage (m):	33.8		Metres:	21.5	
Depth (m):	38				
Total Ground Floor Area (sq. m):	894.77				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	35	
Total Non-Residential GFA (sq. m):	4418.83		Loading Docks	1	
Total GFA (sq. m):	4418.83				
Lot Coverage Ratio (%):	72				
Floor Space Index:	3.55				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	667	0
1 Bedroom:	0	Office GFA (sq. m):	3751.83	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT: PLANNER NAME: Mike Mestyan, Senior Planner - East Section
TELEPHONE: (416) 397-4487

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
799, 803, 803R, 807, and 809 Broadview Avenue, and 21R Pretoria Avenue**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of By-law 438-86, Sections 4(2)(a), 4(4)(L)(ii), 4(5)(B), 4(8)(B), 6(2)21, 6(2)24, 8(3)Part I 2, 8(3)Part II 4(A), 8(3) Part II 4(C)(I) & (III), being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to building and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto” as amended, shall apply to prevent the erection and use of a commercial building on the *lot*, provided:
 - (a) the *lot* comprises the lands outlined by heavy lines on Map 1 attached to and forming part of the By-law;
 - (b) no portion of the building or structure above *grade* is located outside the heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of cornices and ornamental elements;
 - (c) no portion of the building or structure above *grade* extends beyond those *heights*, in metres above *grade* following the symbol “H” shown on Map 2, with the exception of:
 - i. stair tower, elevator shaft, chimney stack, mechanical penthouse, or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements to a maximum of 5 metres.
 - (d) the total *non residential gross floor area* of the building erected on the *lot* shall not exceed 4,450 square metres;

- (e) the owner shall provide and maintain on the *lot* a minimum of 35 parking spaces, of which 18 will be provided within a *parking stacker*.
 - (f) the proposed building will penetrate the 45 degree angular plane projecting over the lot from an elevation of 13 metres above the average elevation of the ground at the street line;
 - (g) the proposed building will penetrate the 45 degree angular plane projecting over the lot from an elevation of 10 metres above the average elevation of the ground at a distance of 7.5 metres from a lot line in a residential district;
 - (h) the proposed building will be set 4.71 metres from a lot in a residential district;
 - (i) one *loading space type B* will be provided on the *lot*
 - (j) a *parking station* be permitted at 21R Pretoria located 2.3 metres from 21R Pretoria Avenue and 2.4 metres from 23 Pretoria Avenue.
2. Within the lands shown on Map"1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

